

REMARKS

Claims 1-44 and 52 are pending in the present application. Claims 1-11 and 27-44 have been withdrawn from consideration.

Applicants are pleased to note the Examiner indicated that claims 12-26, 33 and 34 are allowed.

Reconsideration and allowance of this application in view of the following remarks are respectfully requested.

Claim rejections – 35 USC 112

The Examiner rejected claims 35-37 under 35 U.S.C. § 112, second paragraph.

The Examiner had withdrawn claims 35-37 from consideration in the Office Action dated December 30, 2002 as being directed to non-elected species. The Applicant then amended claims 35-37 to depend from claim 12 in the June 27, 2003 Response by mistake. Applicant has restored claims 35-37 to their original dependencies. Consequently, the rejection of claims 35-38 under § 112, second paragraph is rendered moot.

The Examiner rejected claim 52 under 35 U.S.C. § 112, first paragraph. The Examiner contends that the specification, as originally filed, fails to provide an enabling disclosure as to how to make and/or use an image observation device such that the external scene observed via the first surface and the third surface is the same as the external scene observed other than via the first surface and the third surface. Applicants respectfully disagree.

Support for the limitation “wherein the surface shape of the first surface, and the third surface is determined such that the external scene observed via the first surface and the third surface is the same as the external scene observed other than via the first surface and the third surface,” can be found throughout the initial disclosure. For example, the Examiner’s attention is directed to page 26, line 23 through page 29, line 28 of the specification.

Therefore, Applicants respectfully submit that claim 52 complies with § 112, first paragraph and respectfully request that the rejection of claim 52 under § 112, first paragraph be withdrawn.

Furthermore, Applicants have amended claim 52 to further recite "wherein the composite power of the power of said first surface plus the power of said third surface is substantially equal to zero." Support for the added limitation can be found throughout the original disclosure. For example, the Examiner's attention is directed to page 29, lines 18-24.

CONCLUSION

In view of the foregoing, the claims are now in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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